

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

DANIEL RINCON

Plaintiff,

BUILDING SERVICE 32BJ HEALTH FUND

Defendant.

ANSWER

08-Civ. 393 (SAS)

Building Services 32B-J Health Fund and Board of Trustees of Building Services 32B-J Health Fund (“Defendants”), by their attorneys, Raab, Sturm, Goldman & Ganchrow, LLP, answer the complaint of Daniel Rincon (“Plaintiff”) as follows:

1. Defendants admit the allegations set forth in paragraph one (1) of the Complaint.
2. Defendants admit the allegations set forth in paragraph two (2) of the Complaint.
3. Defendants admit the allegations set forth in paragraph three (3) of the Complaint.
4. Defendants deny information and belief sufficient to form an opinion as to the allegations set forth in paragraph four (4) of the Complaint.
5. Defendants admit the allegations set forth in paragraph five (5) of the Complaint.
6. Defendants deny each and every allegation set forth in paragraph six (6) of the Complaint except that it is admitted that the Board of Trustees of the Building Service 32B-J Pension Plan constitute the “plan sponsor” within the meaning of 29 U.S.C. Section 1002 (16) (B) (iii) and that the Administrator of the Building Service 32B-J Health Fund , during the period relevant herein was Susan Cowell.
7. Defendants deny each and every allegation set forth in paragraph seven (7) of the

Complaint, except that they admit that prior to May 13, 1998 Plaintiff was a participant in the Plan.

8. Defendants admit the allegations set forth in paragraph eight (8) of the Complaint.
9. Defendants admit the allegations set forth in paragraph nine (9) of the Complaint.
10. Defendants admit the allegations set forth in paragraph ten (10) of the Complaint.
11. Defendants admit the allegations set forth in paragraph eleven (11) of the Complaint..
12. Defendants admit the allegations set forth in paragraph twelve (12) of the complaint.
13. Defendants admit the allegation set forth in paragraph thirteen (13) of the Complaint.
14. Defendants admit and deny the allegations set forth in paragraph fourteen (14) of the Complaint to the extent previously admitted and denied..
15. Defendants deny each and every allegation set forth in paragraph fifteen (15) of the Complaint.
16. Defendants deny each and every allegation set forth in paragraph sixteen (16) of the Complaint.
17. Defendants deny each and every allegation set forth in paragraph seventeen (17) of the Complaint.
18. Defendants deny each and every allegation set forth in paragraph eighteen (18) of the Complaint.
19. Defendants deny each and every allegation set forth in paragraph nineteen (19) of the Complaint.
20. Defendants deny each and every allegation set forth in paragraph 20 f the Complaint.

AS FOR THE FIRST FULL AFFIRMATION DEFENSE


23. Plaintiff has been advised that her appeal will be reopened and reconsidered upon her completing and returning a vocational assessment questionnaire.

WHEREFORE, Defendants respectfully urge that the Complaint be dismissed in its entirety and that the Defendants be awarded attorneys fees, costs and disbursements and such other and further relief as is just and proper in the circumstances.

Dated New York, New York
March 13, 2008

RAAB, STURM, GOLDMAN & GANCHROW, LLP

By: _____


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